

February 10, 1976

SENATOR FOWLER: Members of the Legislature, since LB 503 was debated a couple of weeks ago, several questions have been raised about some of the procedures in the bill. Because these questions were raised, I bracketed the bill and have gone over the questions. In two lengthy meetings with the Nebraska State School Board Association attorney and other individuals, I drafted the amendments, worked out the amendments that are in the Journal. Before I explain what these amendments contain, I would like to stress a certain point. I am sure we have all received letters on this bill. Some of the letters that I have read have stated such things as the current law in Nebraska is adequate and there is no need for a change. I would stress that that is completely untrue. The current Nebraska law was ruled unconstitutional by Judge Warren Urbom several years ago. If anyone in the State of Nebraska was to try and operate on the basis of what is in our state statutes for suspension, dismissal, they would be in serious trouble. Nebraska does need a new law. Now I went through questions and objections that people had about the procedures in LB 503 as to whether or not it was unwieldy and whether or not there were problems in the language. Okay, we went through that and we did come up with some amendments. I would like to explain what some of these are. The amendments are in the Journal. Vince, what page are they on?

CLERK: Page 596.

SENATOR FOWLER: Okay. I am not going to explain all of the amendments but I am going to hit those that I think are the most significant because they result from objections that have been commonly raised. One of the first amendments was to insert the phrase "elementary and secondary school" to make it clear that the act applies to elementary and secondary school students. This was the intent of the bill from the beginning. I don't think there was any doubt that the bill did apply to elementary and secondary school students but some people raised questions and so we put that in. We also inserted the term "standards" instead of "regulations" because that is the language more commonly used by school boards. Moving on down, the 5th amendment will eliminate a prior requirement that the Board review every school rule before it could be enforced. The language currently in the bill says that all rules and standards had to be applicable to students, had to be adopted by the school board. The change would allow a local school to have more discretion in rules and standards that it would adopt. They only have to comply with the general principles of the school board standards. Other amendments and I think one that has been of particular concern, there was several times when it discussed the grounds for suspension, dismissal, the term "willful" was used when describing a student's conduct. Several school board attorneys felt that that standard was too stringent and that it would be difficult to prove whether or not an act was willful. Therefore, in several sections of the bill, we strike the term "willful". Another addition to the bill was to add for grounds for suspension, dismissal, right now it currently